



February 7, 2007

HOUSE BILL No. 1513

DIGEST OF HB 1513 (Updated February 1, 2007 12:56 pm - DI 75)

Citations Affected: IC 22-11.

Synopsis: Hours and dates of consumer firework use. Provides that a person who ignites, discharges, or uses consumer fireworks on any day other than January 1, July 3, July 4, July 5, or December 31 and other than at certain times on these dates commits a Class C infraction, or a Class C misdemeanor under certain circumstances.

Effective: Upon passage.

Moses, Pond, GiaQuinta, Smith V

January 23, 2007, read first time and referred to Committee on Local Government.
February 6, 2007, reported — Do Pass. Referred to Committee on Ways and Means.

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HB 1513—LS 7282/DI 96+



February 7, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1513

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-11-14-6, AS AMENDED BY P.L.187-2006,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 6. (a) A person who recklessly, knowingly, or
4 intentionally violates section 2(f), 4.5, 5(c), 5(d), 7, 8(a), 8(c), 8(d), 10,
5 or 11(c) of this chapter commits a Class A misdemeanor.
6 (b) A person who ignites, discharges, or uses consumer fireworks at
7 a site other than:
8 (1) a special discharge location;
9 (2) the property of the person; or
10 (3) the property of another who has given permission to use the
11 consumer fireworks;
12 commits a Class C infraction. However, if a person recklessly,
13 knowingly, or intentionally takes an action described in this subsection
14 within five (5) years after the person previously took an action
15 described in this subsection, whether or not there has been a judgment
16 that the person committed an infraction in taking the previous action,
17 the person commits a Class C misdemeanor.

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(c) A person less than eighteen (18) years of age who possesses or uses a firework when an adult is not present and responsible at the location of the possession or use commits a Class C infraction. However, if a person possesses or uses a firework when an adult is not present and responsible at the location of the possession or use within five (5) years after a previous possession or use by the person as described in this subsection, whether or not there has been a judgment that the person committed an infraction in the previous possession or use, the person commits a delinquent act under IC 31-37.

(d) A person who ignites, discharges, or uses consumer fireworks **at any time other than:**

(1) ~~after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a))~~
between noon and midnight on July 3, July 4, July 5, or
December 31; on which dates consumer fireworks may not be
ignited, discharged, or used after

(2) **between midnight on December 31 and 1 a.m. on January**
1 or between noon and midnight on January 1; or (2) before 9
a.m.;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(e) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation causes harm to the property of a person commits a Class A misdemeanor.

(f) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in serious bodily injury to a person commits a Class D felony.

(g) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in the death of a person commits a Class C felony.

(h) A person who knowingly or intentionally fails to collect or remit to the state the public safety fees due under section 12 of this chapter commits a Class D felony.

SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1513, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SMITH V, Chair

Committee Vote: yeas 8, nays 4.

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